

Atty. Dkt. No. 09349-2104 (Formerly 244/121)  
Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: BUECHLER et al.

Title: NOVEL METHODS FOR THE  
ASSAY OF TROPONIN I AND T  
AND COMPLEXES OF  
TROPONIN I AND T AND  
SELECTION OF ANTIBODIES  
FOR USE IN IMMUNOASSAYS

Appl. No.: 09/349,194

Filing Date: July 7, 1999

Examiner: Gail Gabel

Art Unit: 1641

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (703-308-4242) on the date below.  Jodie Rivas (Printed Name)  <i>Jodie Rivas</i> (Signature)  May 17, 2002 (Date of Deposit)
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**TERMINAL DISCLAIMER UNDER 37 C.F.R § 1.321(b)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The owner, BIOSITE Incorporated (formerly Biosite Diagnostics, Inc.), of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term (as defined in 35 U.S.C §§ 154 to 156 and 173) of United States Patent No. 5,795,725, entitled "Methods for the Assay of Troponin I and T and Selection of Antibodies for Use in Immunoassays." The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and United States Patent No. 5,795,725 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

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Atty. Dkt. No. 07-1949-2104 (Formerly 244/121)  
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statutory term (as defined in 35 U.S.C. §§ 154 to 156 and 173) of United States Patent No. 5,795,725, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

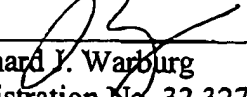
The undersigned has reviewed all documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above. The inventors assigned their interest in the instant patent application to Biosite Diagnostics, Inc., in parent U.S. Patent Application No. 08/633,248 (copy of assignment document attached herewith).

A check which includes \$110.00 for filing this statutory disclaimer is enclosed. If this amount is incorrect, or if any additional fees are due, please charge or credit our Deposit Account No. 50-0872 for the appropriate amount.

I hereby declare that all statements made herein on my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,  
FOLEY & LARDNER

Dated: 5/16/02

By:   
Richard J. Warburg  
Registration No. 32,327

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FORM PTO-1595

(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

# RECORDATION FORM COVER SHEET PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Tab settings

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Kenneth F. Buechler  
Paul H. McPhersonAdditional name(s) of conveying party(ies) attached? ☐ Yes No ☒

## 2. Name and address of receiving party(ies)

Name: BIOSITE DIAGNOSTICS INCORPORATED

Internal Address: \_\_\_\_\_

Street Address: 11030 Roselle StreetSuite DCity: San Diego State: CA Zip: 92121Additional name(s) & address(es) attached? ☐ Yes No ☒

## 3. Nature of conveyance:

☒ Assignment☐☐

Execution Date: June 28, 1996

4. Application number(s) or patent number(s): 08/633,248

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes No ☒

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Timothy J. LithgowInternal Address: LYON & LYONStreet Address: 633 West Fifth StreetSuite 4700City: Los Angeles State: CA Zip: 90071-20666. Total number of applications and patents involved: 1

## 7. Total fee (37 CFR 3.41).....\$40.00

☒ Enclosed☐

## 8. Deposit account number:

12-2475

(Attach duplicate copy of this page if paying by deposit account)

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## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Mary S. Consalvi

Name of Person Signing

Thuy K. Lee

Signature

July 10, 1996

Date

Total number of pages including cover sheet, attachments, and document:

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

ASSIGNMENT

For valuable consideration, we, Kenneth F. Buechler of 12523 Manifesto Place, San Diego, California 92071 and Paul H. McPherson of 1449 Elva Court, Encinitas, California 92024, hereby assign to Biosite Diagnostics Incorporated, a Delaware corporation having a place of business at 11030 Roselle Street, Suite D, San Diego, CA 92121, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are the subject of an application for United States Patent filed on April 18, 1996, U.S. Serial No. 08/633,248, entitled NOVEL METHODS FOR THE ASSAY OF TROPONIN I AND T AND COMPLEXES OF TROPONIN I AND T AND SELECTION OF ANTIBODIES FOR USE IN IMMUNOASSAYS, this assignment including said application, any and all United States and foreign patents granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our name or in its own name for patents and like rights of exclusion and for inventors' certificates for said inventions and improvements; and we agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this Assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at Biosite, San Diego this 28 day of June, 1996

Kenneth F. Buechler

Kenneth F. Buechler

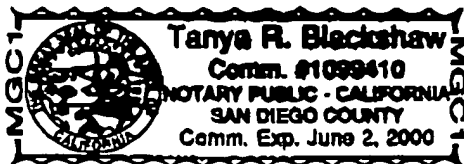
State of CALIFORNIA

ss.

County of SAN DIEGO

Kenneth Buechler Before me this 28 day of JUNE, 1996, personally appeared known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

[Notary's  
Seal Here]



Tanya R. Blackshaw  
Notary Public

My commission expires: 6/2/00

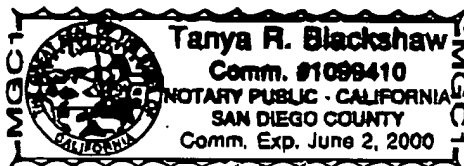
IN WITNESS WHEREOF, I hereto set my hand and seal at Biosite, SAN DIEGO this 28 day  
of JUNE, 1996

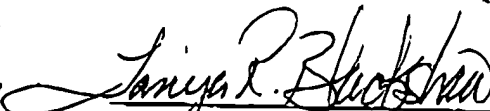
State of CALIFORNIA :  
County of SAN DIEGO : SS.

  
Paul H. McPherson

Before me this 28 day of JUNE, 1996, personally appeared  
Paul McPherson known to me to be the person whose name is subscribed to the foregoing  
Assignment and acknowledged that he executed the same as his free act and deed for the purposes  
therein contained.

[Notary's  
Seal Here]



  
Notary Public

My commission expires: 6/2/00